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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,943	02/04/2002	Ralf Wiedemann	10660-62US (10936P6 US)	4310
570	7590	05/17/2004	EXAMINER	
AKIN GUMP STRAUSS HAUER & FELD L.L.P. ONE COMMERCE SQUARE 2005 MARKET STREET, SUITE 2200 PHILADELPHIA, PA 19103-7013			FONTAINE, MONICA A	
			ART UNIT	PAPER NUMBER
			1732	

DATE MAILED: 05/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/066,943	Applicant(s) WIEDEMANN ET AL.	
	Examiner Monica A Fontaine	Art Unit 1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

This office action is in response to the Amendment filed 11 February 2004.

All rejections in the paper mailed 9 October 2003 are withdrawn as necessitated by amendment.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wada et al. (U.S. Patent 5,792,406), in view of Hartan et al. (U.S. Patent 6,303,560). Regarding Claim 1, Wada et al., hereafter "Wada," show that it is known to carry out a method of producing a plurality of moldings in one mold (Abstract) comprising providing a mold which has a plurality of cavities having a shape corresponding to the moldings (Abstract; Figure 1), the cavities being arranged in such a way that, except for cavities in an end or peripheral position of the mold, each of the cavities is linked to at least two closely adjacent cavities and has connecting passages such that the mold can be filled from cavity to cavity (Figures 1 and 3a), providing a casting compound (Column 4, lines 19-61), introducing the fluid casting compound into the mold at at least one point such that all of the cavities become essentially completely filled with the casting compound, solidifying the casting compound to produce moldings, and removing the moldings

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from the mold (Column 4, lines 19-61; Column 5, line 48 - Column 6, line 19). Wada does not show including a surfactant in his casting compound. Hartan et al., hereafter "Hartan," show that it is known to carry out a method of producing moldings, wherein a fluid casting compound of material containing a surfactant, the material having a solidified hardness of at most about 200N, the hardness being defined as the force at which a sphere of the material will break is introduced into a mold (Column 7, lines 59-61; Column 9, lines 62-67; Column 11, lines 56-59). Hartan and Wada are combinable because they are concerned with a similar technical field, namely, that of molding processes which yield small absorbent articles simultaneously. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Hartan's specific compound in Wada's molding process to impart a disinfecting ability to Wada's absorbent articles.

Regarding Claim 2, Wada shows the process as claimed as discussed in the rejection of Claim 1 above, but he does not require a specific hardness for his molding material. Hartan shows that it is known to form small absorbent articles whose casting material of origin has a solidified hardness of about 80 N (Column 4, lines 31-34; Column 9, lines 62-67; Column 10, lines 8-14; Column 11, lines 56-59). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Hartan's material in Wada's molding process to yield articles of the desired hardness for the end application.

Regarding Claim 4, Wada shows the process as claimed as discussed in the rejection of Claim 1 above, including a process wherein each of the cavities, except for cavities in a peripheral position of the mold, is arranged closely adjacent to four to six other of the cavities (Figure 1), meeting applicant's claim.

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Regarding Claim 5, Wada shows the process as claimed as discussed in the rejection of Claim 1 above, including a process wherein the casting compound is introduced at a single point, which is located centrally in the mold (Figure 1), meeting applicant's claim.

Regarding Claim 6, Wada shows the process as claimed as discussed in the rejection of Claim 1 above, including a process which is an injection molding process (Column 4, lines 19-21), meeting applicant's claim.

Regarding Claim 7, Wada shows the process as claimed as discussed in the rejection of Claim 1 above, including a method wherein the shape corresponding to the moldings is spherical (Column 4, lines 30-35), meeting applicant's claim.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 2, and 4-7 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with regard to molding small articles and/or those with surfactant abilities:

U.S. Patent 2,335,294 to Meyer

U.S. Patent 5,286,755 to Kauffman et al.

U.S. Patent 6,291,715 to Ruider et al.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica A Fontaine whose telephone number is 571-272-1198. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Colaianni can be reached on 571-272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Maf  
May 1, 2004



MICHAEL COLAIANNI  
PRIMARY EXAMINER